

**RESTRICTIVE COVENANT TERMINATION REVIEW SHEET**

CASE: C14-72-032 (RCT) – 7113 Burnet Rd

DISTRICT: 7

EXISTING ZONING: LO-CO-NP

ADDRESS: 7113 Burnet Road

SITE AREA: 1.1166 acres (48,638 square feet)

PROPERTY OWNER: Ronan Corporation (Craig Hopper)

AGENT: Armbrust & Brown PLLC (Michael Gaudini)

CASE MANAGER: Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov) )

STAFF RECOMMENDATION:

**Staff recommends granting a Termination of the Restrictive Covenant.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**June 23, 2020:**

CITY COUNCIL ACTION:

**Planned to be scheduled for July 30, 2020:**

RESTRICTIVE COVENANT TERMINATION RECORDING NUMBER:

ISSUES:

No issues were identified for this request.

CASE MANAGER COMMENTS:

The subject Restrictive Covenant is less restrictive than current compatibility standards by Code. At the time that the subject property zoning was changed from residential to office, the Restrictive Covenant was provided to increase the setback between the office and the houses on Hardy Circle.

Applicant is requesting the termination of the Restrictive Covenant which established a twenty-foot building setback from the north property line of the 48,638 square foot tract of land that was rezoned from residential to office in 1973 (Ordinance No. 73 0628-D).

The Restrictive Covenant is recorded in volume 4674, page 2281 of the Deed Records of Travis County, Texas. Paragraph number 1. “*No Building or any part thereof shall be located within twenty (20) feet of the north property line of said property*”. Please refer to Exhibit “A”.

The standard building setback to an internal property line, in the office zoning district is five feet when the office is surrounded by other offices or commercial zoning and use. The Restrictive Covenant provided additional setback from the detached family residences on north of the tract being rezoned to office.

Compatibility Standards in Article 10 (LDC 25-2-1063) apply to the subject site because it is located next to SF-3-NP zoning and the development site is bigger than 20,000 square feet. The minimum setback is 25 feet from SF-5 or more restrictive zoned land and it applies to the new building, the drive aisle and parking lots. There are also requirements for landscape buffering and screening (LDC 25-2-1066) in the area between multi-family buildings and buildings in the SF-5 or more restrictive districts.

BASIS OF RECOMMENDATION:

Staff supports the Termination request. The Restrictive Covenant was created in 1973 before the City Code had Compatibility Standards. The current Land Development Code, with Compatibility Standards for setbacks, building heights and screening requirements provides better transitions between detached residences and other uses including the proposed multi-family residential use.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-1-CO-NP, CS-CO-NP, LO-CO-NP	Bar/Restaurant, coffee shop, personal services, auto repair, vehicle storage
North	CS-CO-NP, SF-3-NP	Retail with restaurants, retail specialty stores and freestanding restaurant, detached residences
South	MF-3-NP, GR-MU-CO-NP, GR-V-CO-NP	Car storage lot, former restaurant
East	SF-3-NP	Detached residences
West	(across Burnet Road) CS, SF-2	Car rental and sales, personal services

NEIGHBORHOOD PLANNING AREA: Crestview/Wooten Combined Neighborhood Plan Ordinance 040401-Z-2

TIA: Deferred to site plan.

WATERSHED: Shoal Creek - Urban

70% Impervious coverage maximum in MF-4  
80% Impervious coverage maximum in MF-6

OVERLAYS: ADU Approximate Area Reduced Parking Neighborhood Planning Areas:  
CRESTVIEW Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS:

Brentwood Elementary

Lamar Middle

McCallum High

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Crestview Neighborhood Assn.

Crestview Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Homeless Neighborhood Association

NW Austin Neighbors

Neighborhood Empowerment Foundation

North Austin Neighborhood Alliance

SELTexas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-04-0004  The area bounded by Anderson Lane on the north, Lamar Blvd. on the east, Burnet Road on the west, Justin Lane on the south.	Add a NP to the base zoning districts on approximately 650.5 acres of land generally known as the Crestview Neighborhood Plan and to change the base zoning district on 43 tracts of land.	To Grant	Apvd. 04/01/2004
C14-2009-0065  The area bounded by Anderson Lane/US Highway 183 on the north, Justin Lane on the south, North Lamar Boulevard on the east and Burnet Road on the west.	Crestview Vertical Mixed Use Bldg (V) Zoning/ Opt-in / Opt-out process. 62.70 Acres. (City Initiated)  Ordinance 20090924-091 is for 29.70 acres. Part 4. Excludes Tract 8 that includes 7113 Burnet Rd.	To Grant	Apvd. 9/24/2009

RELATED CASES:

NPA-2020-0017-01 – Request for Neighborhood Plan Amendment from commercial land use to multifamily residential land use. Neighborhood meeting held March 3, 2020.

C14-2020-0016 – Request to rezone from CS-1-CO-NP, CS-CO-NP, LO-CO-NP to MF-6-NP for multi-family residences.

EXISTING STREET CHARACTERISTICS:

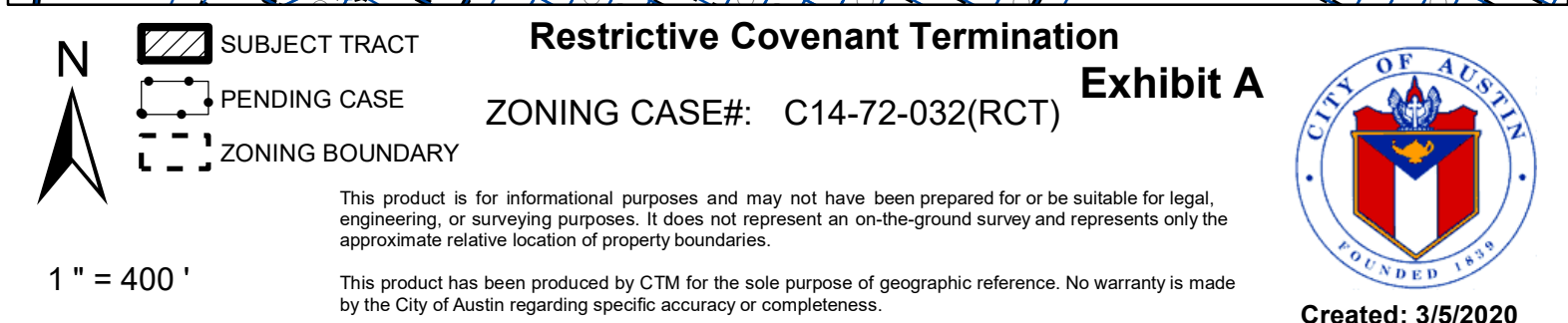
Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Burnet Rd.	~122'	120'	55'	Level 4	Yes	Yes	Yes

## INDEX OF EXHIBITS TO FOLLOW Exhibit A:

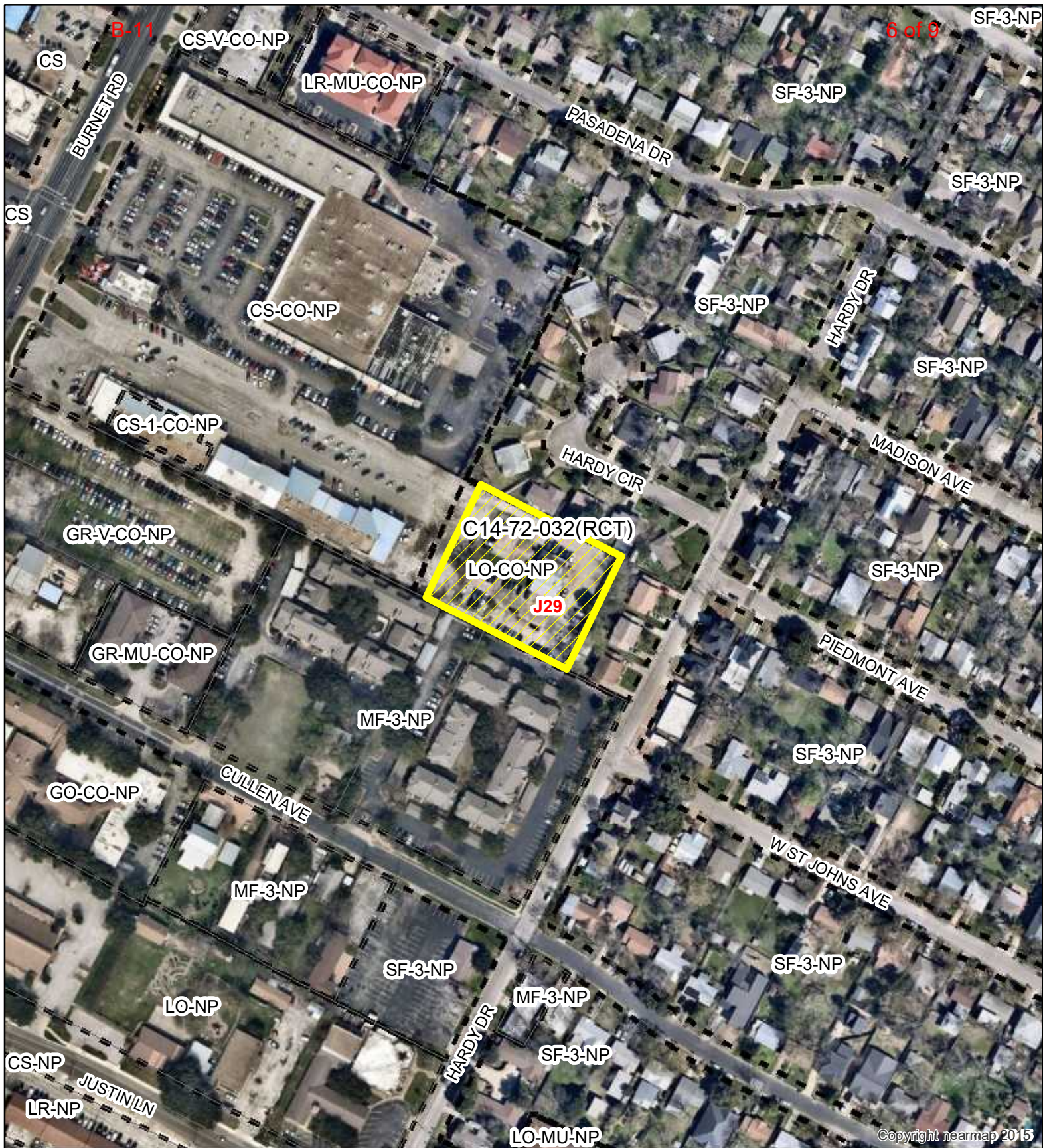
Zoning Map

Exhibit B: Aerial Map

Exhibit C: Letters From Interested Parties







CS

CS-V-CO-NP

LR-MU-CO-NP

SF-3-NP

SF-3-NP

CS-CO-NP

SF-3-NP

SF-3-NP

CS-1-CO-NP

HARDY CIR

MADISON AVE

GR-V-CO-NP

C14-72-032(RCT)

LO-CO-NP

J29

SF-3-NP

GR-MU-CO-NP

PIEDMONT AVE

MF-3-NP

SF-3-NP

GO-CO-NP

CULLEN AVE

MF-3-NP

W ST JOHNS AVE

SF-3-NP

SF-3-NP

LO-NP

MF-3-NP

SF-3-NP

CS-NP

JUSTIN LN

LR-NP

LO-MU-NP

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SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 200'

7113 Burnet Rd.

Exhibit B

ZONING CASE#: C14-72-032(RCT)  
LOCATION: 7113 Burnet Rd.  
SUBJECT AREA: ACRES  
GRID: J29  
MANAGER: MARK GRAHAM



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**Graham, Mark**

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**From:** Chip Harris <austinchip@hotmail.com>  
**Sent:** Tuesday, May 19, 2020 12:23 AM  
**To:** Michael Gaudini  
**Cc:** Meredith, Maureen; mglavigne@gmail.com; sheryl sherman (Taulbee); Graham, Mark; Brinsmade, Louisa; Pool, Leslie; Greathouse, Stevie; Dugan, Matthew; Rhoades, Wendy; MWhellan@abaustin.com  
**Subject:** Re: Crestview NPCT Rec: 7113 Burnet Rd

Michael,

I just wanted to check back with you about the compromise package that you've proposed. I haven't received a response from you since I sent my request in an email last week (see below), but I realize that you've probably been very busy lately. Please forward the details of the package to me at your convenience.

Thank you,  
Chip Harris, Facilitator  
Crestview Neighborhood Plan Contact Team

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**From:** Chip Harris <austinchip@hotmail.com>  
**Sent:** Wednesday, May 13, 2020 12:39 AM  
**To:** Michael Gaudini <MGaudini@abaustin.com>  
**Cc:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; mglavigne@gmail.com <mglavigne@gmail.com>; sheryl sherman (Taulbee) <sherylmsherman@gmail.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Stevie Greathouse (COA CT) <stevie.greathouse@austintexas.gov>; Matthew.Dugan@austintexas.gov <Matthew.Dugan@austintexas.gov>; Wendy Rhoades (COA - Cullen Ofc) <wendy.rhoades@austintexas.gov>; austinchip@hotmail.com <austinchip@hotmail.com>  
**Subject:** Re: Crestview NPCT Rec: 7113 Burnet Rd

Michael,

I would like to address the status of the project at 7113 Burnet Road. As you know, in my capacity as Facilitator of the Crestview Neighborhood Plan Contact Team (CNPCT), I had scheduled a meeting for March 24th, 2020 for the contact team members to discuss the proposed NPA and zoning change for the property, but it was cancelled due to the city of Austin's March 17 announcement limiting meetings to 10 people or less.

I've been informed that you have proposed a compromise package. If convenient, please forward that information to me and I will reach out to those folks that have shown an interest in the development to obtain their feedback and report back to you.

Thank you,  
Chip Harris, Facilitator  
Crestview Neighborhood Plan Contact Team

**From:** Pool, Leslie <Leslie.Pool@austintexas.gov>

**Sent:** Sunday, March 22, 2020 9:25 PM

**To:** Chip Harris <austinchip@hotmail.com>

**Cc:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; mglavigne@gmail.com <mglavigne@gmail.com>; sheryl sherman (Taulbee) <sherylmsherman@gmail.com>; Graham, Mark <Mark.Graham@austintexas.gov>; Michael Gaudini <MGaudini@abaustin.com>; Brinsmade, Louisa <Louisa.Brinsmade@austintexas.gov>; Cronk, Spencer <Spencer.Cronk@austintexas.gov>

**Subject:** Re: Crestview NPCT Rec?: 7113 Burnet Rd

Hi Chip, thanks for including me in your response. I agree that, given current circumstances, community events relating to 7113 Burnet Road should be postponed.

I hope you all are taking good care, staying healthy, and managing as well as possible in these challenging days.

Best,

Leslie

Leslie Pool  
Council Member, District 7  
Austin City Council  
512.978.2107

On Mar 22, 2020, at 9:13 PM, Chip Harris <austinchip@hotmail.com> wrote:

\*\*\* External Email - Exercise Caution \*\*\*

Dear Maureen Meredith,

Thank you for your email.

On March 17, the city of Austin issued an order prohibiting gatherings of more than 10 people through at least May 1, 2020. As a result of this gathering prohibition, the Crestview Neighborhood Plan Contact Team (CNPCT) will not be able to hold the March 24th, 2020 meeting that had been previously scheduled and had been announced at the March 3, 2020 meeting that you held at the Episcopal Church of the Resurrection.

The agenda for that March 24<sup>th</sup> meeting of the CNPCT was to discuss the proposed NPA and zoning changes for 7113 Burnet Road and to vote on recommendations on those proposed changes.

Given the circumstances we find ourselves in regarding the coronavirus and the prohibition of gatherings of more than 10 people, I'm hopeful that you will postpone the April 14<sup>th</sup> PC and the May 7<sup>th</sup> CC hearing dates in order to allow the CNPCT an opportunity to both provide a meeting notice to its members and to hold a meeting to discuss the proposed changes. Please keep me informed.

Thank you,



Chip Harris, Facilitator  
CNPCT  
512-458-2488

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**From:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Sent:** Wednesday, March 18, 2020 5:03 PM  
**To:** austinchip@hotmail.com <austinchip@hotmail.com>; mglavigne@gmail.com <mglavigne@gmail.com>  
**Cc:** Graham, Mark <Mark.Graham@austintexas.gov>; Michael Gaudini <MGaudini@abaustin.com>  
**Subject:** Crestview NPCT Rec?: 7113 Burnet Rd

Dear Crestview NPCT:

We are aiming to have the NPA and zoning case for 7113 Burnet Road on the **April 14 PC hearing** and the **May 7 CC hearing** dates. Our case reports are due on **April 7 at 4:30 p.m.** If you'd like your letter of recommendation added to staff reports, please email it to me and Mark no later than that date and time. If we get it after then, it won't be in the staff reports, but we can distribute it at the public hearing on April 14.

At this point, I haven't heard if the public hearings will be cancelled or not, so I will continue to move forward until I hear otherwise. I will keep you posted if anything changes.

Please let me know if you have any questions.

*Maureen*

Maureen Meredith, Senior Planner  
City of Austin, Planning and Zoning Dept.  
Mailing Address: P.O. Box 1088 (78767)  
Physical Address: 505 Barton Springs Rd, 5<sup>th</sup> Floor  
Austin, Texas 78704  
Phone: (512) 974-2695  
Maureen.meredith@austintexas.gov

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